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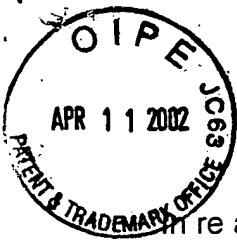
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JCO5 Rec'd PCT/PTO 11 APR 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SVEN GUNNAR OLSSON et al.

Serial No.: 09/297,798

Filed: [To Be Determined]

) Group Art Unit: TBA
)
) Examiner: TBA
)
) Attorney Docket: SG 99127
)
) Date: March 18, 2002

For: METHOD AND APPARATUS FOR DETERMINING INDIRECTLY THE
CONCENTRATION OF A SPECIFIC SUBSTANCE IN THE BLOOD

HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

ATTN: BOX MISSING PART

RECEIVED

23 APR 2002

Legal Staff
International Division

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENT

Dear Sir:

Applicant is in receipt of a Decision on Petition along with a copy of the Notification of Missing Requirements mailed from the U.S. Patent and Trademark Office on November 16, 2001 with respect to the above-referenced patent application.

Enclosed, herewith, is a Declaration executed by the inventor(s) and a copy of the Decision on Petition and Notification of Missing Requirements as required.

Also, enclosed is check no. 6272 in the amount of \$920.00 to cover the three month extension of time fee.

Respectfully submitted,

James O. Ray, Jr.
Agent for Applicant(s)
Registration No. 27,666

04/16/2002 MALI11 00000093 09297798

01 FC:117

920.00 OP

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NOV 16 2001

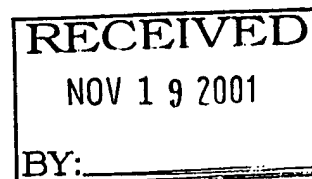


UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov



James Ray & Associates
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Monroeville, PA 15146



In re Application of OLSSON et al
U.S. Application No.: 09/297,798
Int. Application No.: PCT/SE97/01854
Int. Filing Date: 06 November 1997
Priority Date: 06 November 1996
Attorney Docket No.: SG 99127
For: METHOD AND APPARATUS FOR
DETERMINING INDIRECTLY THE
CONCENTRATION OF A SPECIFIC
SUBSTANCE IN THE BLOOD

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicants' "Renewed Petition Under 37 CFR 1.137(b)" filed 07 September 2001.

BACKGROUND

On 06 November 1997, applicants filed international application PCT/SE97/01854, which claimed priority of an earlier Sweden application filed 06 November 1996. A copy of the international application was communicated to the USPTO from the International Bureau on 14 May 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 04 June 1998, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 06 May 1999.

On 06 May 1999, applicants filed national stage papers in the United States. The submission included, *inter alia*, a Transmittal Letter, a copy of the international application, and the basic national fee required by 35 U.S.C. 371. The submission did not include an oath or declaration as required by 35 U.S.C. 371(c)(4).

On 14 June 1999, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which set a one month period for response. A copy of the Notification of Missing Requirements is attached to this decision.

On 01 March 2000, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the present application is abandoned for failure to timely respond to the Notification of Missing Requirements within the time period set therein.

On 13 March 2000, applicants filed a petition under 37 CFR 1.181 to withdraw the holding of abandonment based on a purported failure to receive the Notification of Missing Requirements.

On 14 June 2000, the PCT Legal Office of the USPTO dismissed the 13 March 2000 petition on grounds that applicants had not provided sufficient proof of the alleged failure to receive the Notification of Missing Requirements.

On 08 March 2001, applicants filed a petition to revive the application under 37 CFR 1.137(b).

On 03 May 2001, the PCT Legal Office mailed a decision dismissing the 08 March 2001 petition for failure to supply the appropriate petition fee.

On 07 September 2001, applicants filed the present renewed petition. The renewed petition states that it is accompanied by the appropriate petition fee.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicants have provided the required reply.

With regard to item (2), applicants have provided the required petition fee.

With regard to item (3), applicants have provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons set forth above, the renewed petition under 37 CFR 1.137(b) is **GRANTED**.

A proper response to the Notification of Missing Requirements, i.e. the submission of a properly executed oath or declaration in compliance with 37 CFR 1.497, must be filed within ONE (1) MONTH from the mail date of this decision. Extensions of time may be obtained pursuant to 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459



UNITED STATES DEPT. OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

09/297,798

U.S. APPLICATION NO. 09/297,798 FIRST NAMED APPLICANT OLSSON S. SG 99127

INTERNATIONAL APPLICATION NO.

PCT/SE97/01854

I.A. FILING DATE

PRIORITY DATE

11/06/97

11/06/96

DATE MAILED:

06/14/99

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☒ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 06 May 1999 and

☒ Information Disclosure Statement(s) filed 06 May 1999 and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703)

(703) 835-0000





WE HEREBY CERTIFY THAT THIS CORRESPONDENCE
IS BEING DEPOSITED WITH THE UNITED STATES
POSTAL SERVICE AS FIRST CLASS MAIL IN AN
ENVELOPE ADDRESSED TO:

COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

ON March 18, 2002
Susette C. Flaherty